

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

INNOVATIVE GLOBAL SYSTEMS LLC,

Plaintiff,

VS.

VOLVO CONSTRUCTION EQUIPMENT  
NORTH AMERICA, INC., VOLVO TRUCKS  
NORTH AMERICA, INC., KOMATSU  
AMERICA CORP., CATERPILLAR, INC.,  
HYUNDAI CONSTRUCTION EQUIPMENT  
AMERICAS, INC., TOPCON TIERRA,  
STARTRAK SYSTEMS, LLC, WIRELESS  
MATRIX USA, LLC, JLG INDUSTRIES  
INC., TYLER TECHNOLOGIES, INC.,  
GEOTAB, INC., and NAVISTAR, INC.,

Defendants.

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CIVIL ACTION NO. 6:10-cv-00327-LED

## JURY TRIAL DEMANDED

**PLAINTIFF’S RESPONSE TO THE COUNTERCLAIMS OF**  
**DEFENDANT HYUNDAI CONSTRUCTION EQUIPMENT AMERICAS, INC.**

Plaintiff INNOVATIVE GLOBAL SYSTEMS LLC (“Plaintiff”) responds to the counterclaims of Defendant HYUNDAI CONSTRUCTION EQUIPMENT AMERICAS, INC. (“Defendant”) filed September 9, 2010, as follows:

## COUNTERCLAIMS

## THE PARTIES

1. Plaintiff admits the allegations in Paragraph 1, upon information and belief.
2. Plaintiff admits the allegations in Paragraph 2.
3. Plaintiff admits the allegations in Paragraph 3.

## **JURISDICTION AND VENUE**

4. Plaintiff admits the allegations in Paragraph 4.

5. Plaintiff admits the allegations in Paragraph 5.
6. Plaintiff admits the allegations in Paragraph 6.

**FIRST COUNTERCLAIM**

**(Patent Non-Infringement)**

7. Plaintiff incorporates Paragraphs 1-6 above.
8. Plaintiff admits the allegations in Paragraph 8.
9. Plaintiff denies the allegations in Paragraph 9.
10. Plaintiff admits that Defendant purports to bring counterclaims under the laws of the United States for non-infringement and invalidity, but denies that these counterclaims have any factual or legal basis.

**SECOND COUNTERCLAIM**

**(Patent Invalidity)**

11. Plaintiff incorporates Paragraphs 1-10 above.
12. Plaintiff admits the allegations in Paragraph 12.
13. Plaintiff denies the allegations in Paragraph 13.
14. Plaintiff admits that Defendant purports to bring counterclaims under the laws of the United States for non-infringement and invalidity, but denies that these counterclaims have any factual or legal basis.

**PRAYER FOR RELIEF**

Although no answer is required to Defendant's request for relief, Plaintiff denies all allegations of Paragraphs A through F and further denies that any relief should be granted to Defendant.

Plaintiff demands a trial by jury on all matters raised by Defendant's counterclaims and by Plaintiff in its Original Complaint (and any supplements or amendments thereto).

**Dated: September 24, 2010.**

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF  
INNOVATIVE GLOBAL SYSTEMS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of September, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke

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